



STATE OF MISSOURI
DEPARTMENT OF INSURANCE

IN THE MATTER OF:

David A Huddlestonsmith

Applicant.

Serve at:

10901 Bozarth Lane
Columbia Missouri 65201

Case No. 05A000421

REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On January 18, 2006, Kathryn Turner, as senior counsel for the Investigations Section of the Division of Consumer Affairs, submitted a petition to the Director alleging cause for refusing to issue the insurance producer license of David A. Huddlestonsmith ("Applicant"). After reviewing the petition, and the investigative report, the Director issues the following findings of fact, conclusions of law and summary order:

FINDINGS OF FACT

1. Applicant, David A. Huddlestonsmith, is a Missouri resident with an address of 10901 Bozarth Lane, Columbia, Missouri, 65201.
2. On September 12, 2005, the Missouri Department of Insurance received the Insurance Producer Application of Applicant.
3. Question 36-1. of the Application asks,

Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?
4. Applicant checked the "Yes" answer to this question.
5. On October 15, 1999, Applicant was convicted on a plea of guilty of the class A misdemeanor of stealing. He was sentenced to nine (9) months

incarceration in the Boone County Jail, but execution of sentence was suspended and he served two (2) years probation.

6. Applicant described that the original charge stemmed from the Applicant having written a prescription in the name of one individual to obtain payment for the prescription by that individual's insurance company. The prescription, for testosterone, a controlled substance, was actually written for another individual.
7. At the time that the prescription was written, Applicant was not a licensed physician in the state of Missouri.
8. Question 39-2. of the Application asks,

Have you...ever been involved in an administrative proceeding regarding any professional or occupational license?

"Involved"...means having a license application denied.
9. Applicant checked "No" answer to this question.
10. On July 29, 1999, the Missouri State Board of Registration for the Healing Arts refused to issue Applicant a physician's license.
11. This order is in the public interest.

CONCLUSIONS OF LAW

12. Section 375.141.1 RSMo Cum Supp 2004 provides:

The director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one or more of the following causes:

(1) Intentionally providing materially incorrect...misleading...or untrue information in the license application;

(6) Having been convicted of a felony or crime involving moral turpitude;

(7) Having admitted...to have committed...fraud;

(8) Using fraudulent...or dishonest practices, or demonstrating incompetence, untrustworthiness ...in the conduct of business in this state.

13. Applicant intentionally provided materially incorrect and untrue information in his license application by failing to disclose the denial of his application for a physician's license, a ground for refusal under Section 375.141.1(1) RSMo Cum Supp 2004.
14. Applicant has been convicted of a crime involving moral turpitude, the class A misdemeanor of stealing, a ground for refusal under Section 375.141.1(6) RSMo Cum Supp 2004.
15. Applicant admitted to having committed fraud when he wrote a prescription in the name of one individual to obtain payment for the prescription from that individual's insurance company, when the prescription was written for another individual, a ground for refusal under Section 375.141.1(7) RSMo Cum Supp 2004.
16. Applicant used fraudulent or dishonest practices in the conduct of business in this state by writing a prescription for one individual to obtain payment for the prescription from that individual's insurance company, when the prescription was written for another individual, a ground for refusal under Section 375.141.1(8) RSMo Cum Supp 2004.
17. Applicant used fraudulent or dishonest practices, demonstrated incompetence and trustworthiness in the conduct of business in this state when he wrote a prescription in this state without being licensed as a physician, a ground for refusal under Section 375.141.1(8) RSMo Cum Supp 2004.
18. This Order is in the public interest.

ORDER

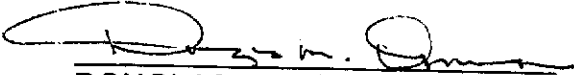
IT IS THEREFORE ORDERED that the issuance of the insurance producer license of Applicant David A. Huddlestonsmith is hereby summarily REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 23th DAY OF January, 2006.



W. DALE FINKE
DIRECTOR



DOUGLAS M. OMMEN
DEPUTY DIRECTOR
GENERAL COUNSEL

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri within thirty (30) days after the mailing of this notice pursuant to Section 621.120 RSMo.

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of January, 2006, a copy of the foregoing notice, order and petition was served upon the Applicant in this matter by certified mail.

Karen Crutchfield
Karen Crutchfield
Senior Office Support Staff